All in his strength . . . all in William's Cold Steele!
As a Chicago boy, who had it rough . . . trying to lift up himself . . .
At seventeen, his Mother signed the papers . . . to insure his future dreams . . .
For William was born to be, in The United States Army . . . Hoooah indeed . . .
As this was to be, his final casting and molding . . . into a heart of Steele, you see . . .
Letting this Chicago Lad, Be All That He Could Be . . .
When, all in a moment of truth . . . as an explosion almost took his life, but lies the proof . . .
As this young man's medal was to be tested, as where lies the truth . . .
While, on the edge of death as he awoke with one leg left . . .
As his tears would crest, as he remembered his Mother who him had blessed . . .
In his head, the words she said, ''There is no sense of looking down, hold your head up!''
As somehow the strength he found . . .
As from that moment on, his most gallant heart of Steele so moved on!
To fight the good fight, burning bold . . . burning bright!
For you see, The Army is William's life!
As he would not give up, nor give in . . . until he's back in action again . . .
For inside this heart of Steele, such warmth is revealed . . .
And if ever I had a son, oh how I wish he could be like this one!
Throughout our Country Tis of Thee, all in our nation we have seen . . .
Hearts of Steele, Freedom Fighters like Dr. King, and Rosa Parks . . .
Because, of all of their courage and sacrifice, and most magnificent hearts . . .
Blessing this our country tis of thee!
And now a new name to the list, of a young man who for us so much would give . . .
With his heart of Freedom Fighter, teaching us all how to live!
With but Hearts of Steele!

FREEDOM OF INFORMATION ACT

Mr. LEAHY. Mr. President, on July 4, the Nation will celebrate the 45th anniversary of the enactment of the Freedom of Information Act, FOIA. Now in its fifth decade, FOIA remains an indispensable tool for shedding light on government policies and government abuses. This premier open government law has helped to guarantee the public's ''right to know'' for generations of Americans.

Today, the U.S. Government is more committed than in any time in our history to making and keeping government open and accountable to the people. As one of his first official acts, President Obama signed an historic Presidential Memorandum on the Freedom of Information Act, which restored the presumption of disclosure for all government information. I applaud President Obama for his commitment to FOIA, and I will continue to work closely with his administration to ensure that our government fulfills both the letter and spirit of this remarkable memorandum.

While the Obama administration has made significant progress in improving the FOIA process, large backlogs remain a major roadblock to public access to information. A report released by the National Security Archive found that only about half of the Federal agencies surveyed have taken concrete steps to update their FOIA policies in light of the President's reforms. According to the Department of Justice's annual FOIA Report for fiscal year 2010, more than 69,000 FOIA requests remain backlogged across our government. These delays are simply unacceptable.

To address these concerns, in May, the Senate unanimously passed the Faster FOIA Act of 2011—a bill to establish a bipartisan commission to examine the root causes of agency delays in processing FOIA requests. Senator CORNYN and I first introduced this bill in 2005, because we were concerned about the growing problem of excessive FOIA delays within our Federal agencies. During the intervening years, this problem has not gone away. That is why in 2010, we reintroduced this bill and the Senate unanimously passed it. Unfortunately, the House of Representatives did not take action. After the Judiciary Committee's hearing on FOIA, which was held during the annual Sunshine Week in March, we reintroduced the Faster FOIA Act yet again—with the hope that the Congress would finally enact this good government legislation. I am pleased that the Senate has done its part to achieve this goal. On the occasion of this 45th anniversary of FOIA, I urge the House to act on this important bill so that the Commission on Freedom of Information Act Processing Delays can begin its important work.

I thank Senator CORNYN for his work on this bill and for his leadership on this issue. I also commend and thank the many open government and FOIA advocacy groups that have supported our efforts to bolster FOIA, including OpenTheGovernment.org, the Project on Government Oversight and the Sunshine in Government Initiative.

The right to know is a cornerstone of our democracy. Without it, citizens are kept in the dark about key policy decisions that directly affect their lives. Without open government, citizens cannot make informed choices at the ballot box. And once eroded, the right to know is hard to win back.

The House Committee Report that accompanied the Freedom of Information Act in 1966 stated:

> it is vital to our way of life to reach a workable balance between the right of the public to know and the need of the Government to keep information in confidence to the extent necessary without permitting indiscriminate secrecy. The right of the individual to be able to find out how his Government is operating can be just as important to him as his right to privacy and his right to confide in his Government. This bill strikes a balance considering all these interests.

As we reflect upon the celebration of another FOIA anniversary, we in Congress must reaffirm the commitment to open and transparent government captured by these time-proven words.

Open government is neither a Democratic issue, nor a Republican issue—it is truly an American value and virtue that we all must uphold. It is in this bipartisan spirit that I join Americans from across the political spectrum in celebrating the 45th anniversary of FOIA and all that this law has come to symbolize about our vibrant democracy.

FBI EXTENSION OF SERVICE

Mr. LEAHY. Mr. President, back on May 12, the President requested that Congress pass legislation to enable Robert Mueller to continue serving as Director of the Federal Bureau of Investigation, FBI, for up to 2 additional years, in light of the continuing threat to our Nation, the leadership transition at other key national security agencies, and the unique circumstances in which we find ourselves as the tenth anniversary of 9/11 approaches. In response to the President's request, a bipartisan group of Senators drafted and introduced S. 1103, a bill that would create a one-time exception to the statute limiting the term of the FBI Director by allowing the term of the incumbent FBI Director to continue for 2 additional years. Given the continuing threats to our Nation and the need to provide continuity and stability on the President's national security team, it is important that this critical legislation be enacted without delay.

Director Mueller's term expires on August 3, 2011. With the House out of session this week and the Senate out of session the next, there is relatively little time left to act. Of the 10 weeks between the President's request and the expiration of Director Mueller's term, six are gone already. More than half the time that we had in which to act has elapsed. If we do not complete action on this matter this week, the Senate will then be in recess until July 11. That leaves Congress only 3 weeks for all necessary action to be completed by the Senate and the House of Representatives.

We should be acting responsibly and expeditiously. I have worked diligently with Senator GRASSLEY in order to prevent a lapse in the term of the Director of the FBI. We must act on this bill without further, unnecessary delays. The Senate should take it up, consider it and pass it, and then the House will need to consider and pass the bill before the President has the opportunity to sign it. Each of these steps must be completed prior to the expiration of the Director's current 10-year term on August 3, 2011. There is no time to waste.

I understand from the Senate cloakroom that all Senate Democrats are prepared to take up and pass S. 1103 and send it to the House of Representatives for it to take final action before August 3. We should do that now, before the Fourth of July recess. There is no good reason for delay.

The bill responds directly to the President's request to extend Bob Mueller's term as FBI Director, and was reported favorably by the Judiciary Committee on June 16 by a bipartisan majority of the committee and with the support of the ranking Republican member. I urge any Senators who have questions about the bill to read the accompanying committee report, Report No. 112–23, which was filed on June 21, 2011, and is now printed and available online.

While I would gladly have included others' views in the final committee report, none were submitted in a timely manner, nor was there a request for an extension of time to do so. The draft committee report on the bill was circulated on June 17, 2011, to all committee members. Pursuant to longstanding Judiciary Committee practice, Senators had 3 calendar days to submit their views. This practice is modeled after, but more generous than, Senate rule XXVI. The committee report was filed 4 days after majority views were circulated, but no additional, supplemental, or minority views had been submitted. It was filed promptly and made publicly available in the hope that the Senate might consider this time-sensitive bill this week.

Unlike my Republican predecessors, as chairman I have protected the minority on the committee and the rights of all Senators. I have done so even while some have chosen to abuse committee rules and practices and Senate rules and practices.

Senator COBURN inserted his views, also subscribed to by Senators HATCH, SESSIONS, GRAHAM and LEE, in the CONGRESSIONAL RECORD on June 23. I had offered to include them in the RECORD on June 22, when they were belatedly submitted to the committee after the committee report had been filed. There is nothing in those views that should prevent the Senate from considering the committee-reported bill expeditiously.

I do not believe that the views Senator COBURN inserted into the CONGRESSIONAL RECORD contain any new or compelling legal analysis supporting the notion that S. 1103 is somehow unconstitutional. They merely assert without a sound basis that the matter may present a constitutional concern and the risk of ''dangerous litigation.'' As set forth in the committee report on S. 1103, and as reaffirmed in a June 20, 2011, memorandum opinion by the Office of Legal Counsel, however, these assertions are incorrect. The bill before the Senate, S. 1103, is constitutionally sound and a proper response by Congress to the President's request.

At the heart of this issue are two key points that remain undisputed. First, the Director of the FBI serves ''at will'' and can be removed by the President for any reason. Director Mueller himself testified that he serves ''at the pleasure of the President.''

Second, this bill was introduced as a response to the President's request that Congress provide a one-time exception to the 10-year statutory limit to the term of the FBI Director so that he could extend Director Mueller's service for up to two more years. Indeed, the text of the bill plainly states that Director Mueller may continue his term of service only ''at the request of the President.''

These two points are important because they form core elements for any constitutional analysis in connection with the appointments clause. This bill does not seek to impose a legislative appointment on the President, nor undermine his authority. The committee report describes the constitutional and legal principle that is central to any assessment of the constitutionality of this bill: ''Legislation extending the term of an officer who serves at will does not violate the Appointments Clause,'' quoting 18 U.S. Op. Off. Legal Counsel 166, 171, 1994. Through four separate legal opinions dating back to 1951, and reaffirmed as recently as June 20, 2011, the Department of Justice has recognized this guiding principle. The Constitution's appointments clause is not offended ''as long as the President remains free to remove the officer at will and make another appointment.'' U.S. Op. Off. Legal Counsel 2–3, June 20, 2011. The bill reported by the committee ensures that the President retains that authority. Furthermore, the bill does nothing to diminish the authority of the President.

Senator COBURN's views lack discussion of either the ''at will'' status of the FBI Director or the President's plenary removal authority. Instead, his views summarily dismiss the extensive legal analysis of the Department of Justice dating back 60 years by arguing that the opinions are ''inconsistent.'' The only inconsistency was an anomalous opinion from 1987 that was withdrawn by the Justice Department in 1994, after the 1987 opinion was determined to be ''irredeemably unpersuasive.'' Ironically, it is that withdrawn opinion, one that has no authority, in which critics of the bill seek to find comfort.

Beginning with an opinion in 1951, and then again in three more recent legal memoranda, in 1994, in 1996, and most recently on June 20, 2011, the Department of Justice has endorsed the constitutionality of term extensions like the one provided in the bill for ''at will'' executive officers.

Senator COBURN argues that the value of these Office of Legal Counsel opinions should be discounted because very few cases have been litigated concerning these types of term extensions. He fails to acknowledge, however, that the lack of litigation on this point could be due to the fact that the constitutional concern on which he relies simply lacks merit. The fact remains that there is no case and no persuasive legal authority supporting Senator COBURN's contention that the bill is unconstitutional.

Also virtually ignored by Senator COBURN's views is the fact that the bill effectively retains the President's appointment authority. The President could nominate and then appoint a different FBI Director at any time before, during, or at the end of the 2-year term extension. The President is not required by the bill to request that Director Mueller continue to serve for the full 2 years of the extension. That is up to the President. These facts are dismissed by Senator COBURN as ''irrelevant'' or ''immaterial'' to the discussion. In fact, they are just the opposite. The fact that this legislation is being considered at the behest of the President demonstrates that there is no legislative branch incursion into executive authority. Because S. 1103 is in direct response to the President's specific request for legislation creating a one-time exemption to the 10-year term limit of the FBI Director, the bill serves to protect the authority of the President to choose who he wants to lead this executive agency. That is wholly consistent with the purpose of the appointments clause.

Senator COBURN's attempts to distinguish the limited, relevant case law are also unavailing. As noted in the committee report, Judge Norris's concurring opinion in the case In re Benny, 812 F. 2d 1133, 9th Cir. 1987, is not on point, as that case involved officials who were only removable for cause. Senator COBURN's reliance on Justice Scalia's dissent in Morrison v. Olson, 487 U.S. 654, 1988, is similarly misplaced. The lengthy quote of Justice Scalia's in the minority views is drawn, for example, from a discussion of the separation of powers doctrine, not from Justice Scalia's discussion of the appointments clause. The Morrison decision was about the constitutionality of the independent counsel statute, not a simple extension of a statutory term limit. The Morrison decision held that the statute at issue was constitutional because it did not ''impermissibly undermine the powers of the Executive Branch'' or ''prevent[] the Executive Branch from accomplishing its constitutionally assigned functions.'' That is all the more true for S. 1103, which was requested by the President and does nothing to impinge upon the President's appointment or removal power.

In his concluding remarks, Senator COBURN concedes that he is not asserting that S. 1103 is unconstitutional. Instead, Senator COBURN retreats to a concern with what he characterizes as the ''small chance'' of possible litigation. The supposed litigation risk is not a good reason for Senator COBURN's multistage approach when a simple, one-time term extension will accomplish the goal. This is particularly true when the committee reported bill is constitutional.

The FBI is not troubled by the supposed exposure ''of Director Mueller's authority to dangerous litigation risk.'' Senator COBURN does not cite any operational concern raised by the FBI or anyone else in law enforcement

concerning this supposed litigation risk. The FBI Director and the Department of Justice do not seem concerned about this supposed litigation risk. I am confident that we would have heard from the FBI and other law enforcement groups if there was any concern that this bill would somehow undermine the law enforcement or intelligence operations of the FBI. To the contrary, S. 1103 enjoys the strong support of the National Fraternal Order of Police, the International Association of Chiefs of Police, and the National Association of Police Organizations.

The Justice Department does not share Senator COBURN's concerns. The Office of Legal Counsel recently reaffirmed the constitutionality of the bill in a new memorandum dated June 20, which is included in the appendix to the Senate committee report and rests upon 60 years of constitutional interpretation. The White House is not concerned. Neither am I. The bill that the committee reported and I support is constitutional and does not raise any real risk.

Senator COBURN has known since he raised his alternative approach that there are two major problems with it. The first problem I have already discussed. It is wrongly predicated on a constitutional problem that does not exist. The bill reported by the Senate Judiciary Committee is a term extension of a limit that Congress imposed on the term of service of the Director of the FBI. Indeed, as the witnesses at our June 8 hearing pointed out, the logic of Senator COBURN's concern could mean that the 10-year limit Congress imposed on the term of service of the FBI Director would itself be constitutionally suspect. The supposed justification for Senator COBURN's cumbersome legislative plan is just wrong. The reported bill, S. 1103, which was initially drafted by Senator GRASSLEY and made more explicit by the committee, is constitutional.

The second major problem with Senator COBURN's approach is that it would necessitate the renomination of Director Mueller, and then his reconsideration and reconfirmation by the Senate after enactment of Senator COBURN's alternative bill and before August 3. That is an additional, unnecessary and, I might suggest, dangerous complication. I do not want Americans to be approaching the tenth anniversary of 9/11 without an FBI Director in office. The distractions to Director Mueller created by the extended proceedings on this legislation are damaging enough.

The extension of Director Mueller's service leading the FBI should not fall victim to the same objections that have obstructed Senate action on other important presidential nominations and appointments. I have spoken often about the unnecessary and inexcusable delays on judicial nominations. Even consensus nominees have faced long delays before Senate Republicans would allow a vote.

Since President Obama was elected, we have had to overcome two filibusters on two Circuit Court nominees who were reported unanimously by the committee. These judges—Judge Barbara Keenan of the Fourth Circuit and Judge Denny Chin of the Second Circuit—were then confirmed unanimously once the filibusters were brought to an end. These are currently 16 judicial nominees who were reported unanimously by all Republicans and Democrats on the Judiciary Committee and yet are stuck on the Senate Executive Calendar because Senate Republicans will not consent to vote on them. These are consensus nominations that should not have been delayed while the Federal courts are experiencing a judicial vacancies crisis.

This pattern of delay and obstruction has not been confined to judges. President Obama's executive nominations have been subjected to the same unfair treatment. The first five U.S. attorneys appointed by President Obama were delayed more than 2 months for no good reason in the summer of 2009. These are the top Federal law enforcement officers in those districts and yet it took from June 4 to August 7 before Senate Republicans would consent to their confirmations. They were then confirmed unanimously. The Chairman of the United States Sentencing Commission was similarly delayed unnecessarily for almost 6 months from May 7 until October 21, 2009. He, too, was ultimately confirmed without opposition, but after needless delay.

Among a slew of other troublesome examples are these: One Republican Senator objected to a nominee to serve on the Federal Reserve Board of Governors because, according to that Senator, the nominee lacked the necessary qualifications. The nominee was a Nobel Prize winner and MIT economics professor. Another Republican Senator is blocking the confirmation of two SEC Commissioners until he extracts action from the SEC related to a case against the Stanford Financial Group. A group of Senate Republicans have sent a letter to President Obama vowing to oppose any nominee to be Director of the Consumer Financial Protection Bureau. Republican Senators are vowing to block President Obama's nominee to serve as the Secretary of Commerce.

In a particularly illustrative case, one Republican Senator lifted his hold on the nomination of the Director of the U.S. Fish and Wildlife Service only after the administration acceded to his demands and issued 15 offshore oil drilling permits. Shortly thereafter, another Republican Senator placed a hold on the very same nomination to force the Interior Department to release documents on the Department's ''wild lands'' policy. It did not end there. When that dispute was resolved, a third Republican Senator reportedly placed a hold on the nominee, demanding a review of the protected status of wolves. That nominee has still not been confirmed.

Regrettably, Senate Republicans have ratcheted up the partisanship, limiting the cooperation that used to allow nominations to move forward more quickly. We cannot and should not take risks with this critical term extension for the head of the FBI. I do not want to see another important nomination subjected to holds and delays. I do not want to see another well-qualified national security nominee used as leverage by the Republican Senate minority to extract other unrelated concessions. That is what Senator COBURN's alternative plan invites.

I recently outlined the obstruction of key national security-related nominations, the Deputy Attorney General and Assistant Attorney General for National Security. I do not want to see that happen, again, with the nomination of an FBI Director, but we have no guarantee that the President's nomination of an FBI Director would be treated any differently.

Republicans played ''chicken'' with a government shutdown earlier this year. We can see the same dynamic developing on the debt ceiling and the budget. Likewise, many Republicans, including their House leaders, who contended that the War Powers Act was unconstitutional when the President was a Republican, are now seeking to use it as a partisan cudgel to diminish this President, with little regard for the damage that does to America, NATO and the effort to end the brutal repression of the Libyan people by Moammar Qadhafi.

The Senate is finally this week seeking to complete action on a bipartisan, leadership-supported legislative approach to reforming Senate consideration of presidential nominations. It has taken weeks and months to get this far. Senate Republicans undermined their leadership and failed to support Senator ALEXANDER and Senator MCCONNELL, who were instrumental in developing the Presidential Appointment Efficiency and Streamlining Act, S. 679. The Senate has been stuck trying to complete this bill since June 16, when the majority leader could not even get consent to proceed to the bill. Bills that used to take 2 hours of floor time now consume 2 weeks. Republican Senators who could not be bothered with conducting oversight when a Republican was in the White House are now adamant that the Senate should not streamline any presidential nominations, arguing that doing so would undercut Senate opportunities to conduct what they call oversight. This is just another example of how virtually everything is viewed through a partisan lens since the American people elected President Obama.

Senator COBURN has known since we began to consider the President's request to extend the FBI Director's term that his plan could not be considered a viable alternative unless there was an agreement from Senate Republicans to ensure that the Senate would

complete its work and have the FBI Director in place at the end of the summer. That agreement would take the form of a unanimous consent agreement in the Senate, entered into by all Senators, and locked in on the RECORD so that it could not be changed without unanimous consent. That has not occurred. That is the only way to ensure Senate action on a nomination before August 3. The House would also have to agree to such an approach.

Senator COBURN has been unable to convince his leadership and the Republican caucus to agree. It may be because some do not want to agree. It may be because some do not want to give up the ''leverage'' such a nomination might provide to them on other matters. Maybe they just do not want to make anything too ''easy'' on this President. Whatever the reasons, no such agreement has been forthcoming in the weeks it has been under consideration.

In fact, at the Judiciary Committee business meeting on the bill, when Senator COBURN could not offer the assurances required to lock in prompt and timely consideration of a subsequent nomination of the FBI Director after enactment of legislation and before August 3, he did suggest that his side of the aisle would forego several steps of the standard process for considering nominees. He offered to waive the questionnaire, the background check, and the confirmation hearing on Director Mueller. But this commitment was illusory, because not even all of the Republican members of the Judiciary Committee agreed. Senator CORNYN, having questioned Director Mueller's ''management capacity,'' indicated that he wanted confirmation hearings and the opportunity to ask questions. Of course, the Senator from Texas was within his rights to say so. But that shows the practical difficulties of following Senator COBURN's complicated, two-part scenario with no guarantee of it being completed by August 3.

Republican Senators lectured us on the ease with which the majority leader should be able to obtain cloture on a new nomination of Director Mueller. That again makes my point. Without a binding agreement, it could take days to consider the nomination, perhaps a full week.

We have just witnessed Senate Republicans filibustering for the first time in American history the nomination of the Deputy Attorney General of the United States. They did that just last month. While Senator CORNYN opined that the renomination of Director Mueller should be able to get 60 votes for cloture, and we should be able to end a filibuster of the nomination on the Senate floor, he also said that he could not control other Republican Senators.

To complete action in accordance with Senator COBURN's alternative plan would mean not only passing legislation but the Senate receiving, considering and confirming the renomination of Director Mueller. I was chairman of the Judiciary Committee back in 2001 when the Senate considered and confirmed Director Mueller's initial nomination within two weeks. I worked hard to make that happen. Regrettably, given the current practices of Senate Republicans, and their unwillingness to agree on expedited treatment for President Obama's nominations, it is foolhardy in my judgment to think that all Senate Republicans will cooperate without the binding force of a unanimous consent entered in the RECORD.

Let me mention just one more recent example. Consider the time line of the nomination of the Assistant Attorney General for the National Security Division at the Department of Justice. The nominee was approved unanimously by the Senate Judiciary Committee and unanimously by the Senate Select Committee on Intelligence, and approved unanimously by the Senate just yesterday. That nomination took 15 weeks for the Senate to consider—and she was approved unanimously. It took more than a month just to schedule the Senate vote after the nomination was reported unanimously by the Senate Select Committee on Intelligence, and that was 2½ weeks after it was unanimously reported by the Senate Judiciary Committee. This was a nominee with whom many of us were familiar and who faced no opposition.

Of course, in the case of the FBI Director, there is no necessity to require a new nomination. The simple one-time extension contained in S. 1103 does the job. It provides all the authority needed for the President to ask Director Mueller to stay on and for him to do so without additional action by the Senate. The separate renomination of Director Mueller is not required.

As I have said, all Senate Democrats are prepared to take up and pass S. 1103, and send it to the House of Representatives for it to take final action before August 3. That is what we should be doing. We should do that now, before the Fourth of July recess. There is no good reason for delay. All that is lacking is Senate Republicans' consent.

So, as they stall in moving legislation to respond to President Obama's request to extend Director Mueller's term, Senate Republicans will not commit to the unanimous consent request necessary to allow Senator COBURN's alternative to become a possibility. Seven of the eight Republican members of the Senate Judiciary Committee voted against the bill to extend Director Mueller's term. Senator COBURN had said that if his alternative was not adopted by the committee, he would vote for the bill, but then he changed his mind and voted against. He then said that he will vote for the bill, S. 1103, when it is considered by the Senate, but Senate Republicans—perhaps including Senator COBURN himself—are now objecting to considering it. We have lost another two weeks since the bill was reported by the Judiciary Committee.

Finally, I observe that this is not the only matter the Senate needs to consider before August 3. There is the matter of the United States' default unless the debt ceiling is raised by that time. There is the need to pass the America Invents Act, as passed by the House, to spur innovation and jobs. There are currently 10 executive nominations ready for Senate action reported by the Judiciary Committee and 18 judicial nominations ready for final consideration to address the judicial vacancies crisis. There is much to do, little time, and even less cooperation.

This important legislation, S. 1103, would fulfill the President's request that Congress create a one-time exception to the statutory 10-year term of the FBI Director in order to extend the term of the incumbent FBI Director for 2 additional years. Given the continuing threat to our Nation, especially with the tenth anniversary of the September 11, 2001, attacks approaching, and the need to provide continuity and stability on the President's national security team, it is important that we respond to the President's request and enact this necessary legislation swiftly. The incumbent FBI Director's term otherwise expires on August 3, 2011. I urge the Senate to take up this critical legislation and pass it without further delay.

CONSULAR NOTIFICATION COMPLIANCE ACT

Mr. LEAHY. Mr. President, on June 14, 2011, I introduced the Consular Notification Compliance Act. This legislation will help bring the United States into compliance with its obligations under the Vienna Convention on Consular Relations, VCCR, and is critical to ensuring the protection of Americans traveling overseas.

Each year, thousands of Americans are arrested and imprisoned when they are in foreign countries studying, working, serving in the military, or traveling. From the moment they are detained, their safety and well-being depends, often entirely, on the ability of U.S. consular officials to meet with them, monitor their treatment, help them obtain legal assistance, and connect them to family back home. That access is protected by the consular notification provisions of the VCCR, but it only functions effectively if every country meets its obligations under the treaty—including the United States.

As we now know, in some instances, the United States has not been meeting those obligations. There are currently more than 100 foreign nationals on death row in the United States, most of whom were never told of their right to contact their consulate, and their consulate was never notified of their arrest, trial, conviction, or sentence. This failure to comply with our treaty obligations undercuts our ability to